

Consideration of recommendation to amend 312 IAC 8-1-3 regarding firewood on DNR properties and to adopt a new nonrule policy document for “Firewood Management on DNR Properties”; Administrative Cause Nos. 10-204A and 11-014P

The DNR requests that the Advisory Council review a nonrule policy document (Administrative Cause No. 11-014D, which is attached as Exhibit B) and proposed rule amendment (Administrative Cause No. 10-204A, which is attached as Exhibit A) related to firewood management on DNR properties and support these documents for by approval by the Natural Resources Commission.

Part of the mission of the Indiana Department of Natural Resources is to manage, protect and wisely use natural resources for the benefit of our citizens. Firewood serves as a potential vector for many pests or pathogens, as defined at IC 14-8-2-203, which may threaten the health of forest resources. Because Gypsy moth, Asian Longhorned Beetle, Thousand Canker Disease of Black Walnut, Emerald Ash Borer and many others pests and pathogens are transported in firewood, and ones regularly occur, managing the movement of firewood onto our DNR properties is important in managing and protecting our forest resources.

The purpose of firewood management as proposed in Administrative Cause No. 11-014D and 10-204A are fourfold:

- To adopt a consistent policy related to the movement of firewood on all DNR public lands.
- To limit the introduction of new pests or pathogens on DNR properties that may result in damage to forest resources, and to help slow the movement of existing pests or pathogens.
- To enhance educational efforts that help citizens understand the potential damage that results from moving firewood.
- To simplify the policy for firewood movement onto DNR properties for both citizens and DNR staff.

These purposes would be accomplished through a two-step approach. The DNR seeks to propose a nonrule policy document (information bulletin) for adoption by the NRC in March 2011, and an associated property rule for preliminary adoption at the same time. Since final adoption of a property rule may take nine to twelve months, the information bulletin would allow us to implement this policy change for the 2011 recreation season and to conduct associated educational/informational outreach to prepare property users and staff for the new property rule adoption for the 2012 recreation season.

EXHIBIT A

Firewood on DNR Properties
Administrative Cause No. 10-204A
January 31, 2011

312 IAC 8-1-3 Entrance and use requirements; firewood

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14

Sec. 3. (a) The commission may, in a master plan or by resolution, establish any of the following:

- (1) Fees for entrance into a DNR property or for a particular use within a DNR property.
- (2) Entrance and exit sites for a DNR property.
- (3) Conditions upon or prohibitions against particular uses within a DNR property or a portion of a DNR property.

(b) In addition to any requirement established under subsection (a), the subsection applies to bringing firewood into and possessing firewood within a DNR property:

(1) A person must not bring firewood into a DNR property unless at least one (1) of the following applies:

(A) The firewood is bundled and contains a Federal compliance stamp issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service ("APHIS").

(B) The firewood is bundled and contains a state compliance stamp issued by the department's division of entomology to the firewood vendor from whom the wood was purchased.

(C) The firewood is transported for sale or distribution in a DNR property by a State-certified concessionaire or by the department and has been inspected and certified by the department's division of entomology.

(D) The firewood consists entirely of kiln-dried construction lumber.

(E) The firewood originated within a county in which the DNR property is located or within twenty-five (25) miles of the point of entry to the property. A person who brings in firewood under this subsection must burn all firewood at a campsite or another site approved by the department within 72 hours.

(2) "Firewood" means kindling, logs, boards, lumber, timber, and any part of a tree that is in a form and size appropriate for use as fuel. Logs cut into lengths at least four and one-half (4 ½) feet long are not firewood.

"Kiln-dried construction lumber" means processed boards cut and dried to remove all bark.

(Natural Resources Commission; 312 IAC 8-1-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: 20100421-IR-312100037RFA)

EXHIBIT B

Firewood on DNR Properties NPD
Administrative Cause No. 11-014D
January 31, 2011

NATURAL RESOURCES COMMISSION Information Bulletin #65 Effective April 1, 2011

SUBJECT: Firewood Management on DNR Properties

I. Purpose

This information bulletin establishes a policy for the movement and management of firewood on a “DNR property” as defined at 312 IAC 8-1-4.

Part of the mission of the Indiana Department of Natural Resources is to manage, protect and wisely use natural resources for the benefit of our citizens. Firewood serves as a potential vector for many pests or pathogens as defined at IC 14-8-2-203, which may threaten the health of forest resources. The most well-known of these to date is the emerald ash borer (EAB), which has killed more than 25 million ash trees in the Upper Midwest, and is present in 35 Indiana Counties killing ash in the urban forests and in 27,000 acres of rural forest. In addition to EAB, gypsy moth, Asian Longhorned Beetle, Thousand Canker Disease of Black Walnut and many others are also immediate threats to the forest resources through firewood.

The purpose of this information bulletin is to help slow the movement of existing pests or pathogens on DNR properties, and to prevent, as much as possible, the introduction of new pests or pathogens that may result in damage to forest resources.

II. Background

Since 2007, Divisions that administer DNR properties, particularly the Division of State Parks and Reservoirs, have managed firewood through an internal policy in an effort to slow the movement of EAB. Firewood from quarantined states or counties with EAB has been prohibited from entering state parks, reservoirs, and state forests. Firewood with a federal or state compliance stamp was exempt, as was scrap, kiln-dried lumber and pine.

Administration of the internal policy was through firewood checks at property entrances or campground gates. Firewood not in compliance could be confiscated and, in some cases, replaced by the Division managing the DNR property, and then burned quickly. The diverse activities handled at entrance and campground gates often made implementation of the internal policy difficult. Where no staffed gates existed, implementation was even less effective. No enforcement consequences, other than confiscation of firewood, supported the internal policy. The primary tools for implementation were publicity and education, and those have been successful in many cases. As the potential for invasive pests or pathogens increases, however, the development of this information bulletin provides better DNR coordination of firewood management.

III. Definitions

“Firewood” means kindling, logs, boards, lumber, timber, and any part of a tree that is in a form and size appropriate for use as fuel. Logs cut into lengths at least 4 ½ feet long are not firewood.

“Kiln-dried construction lumber” means processed boards cut and dried to remove all bark.

IV. Applications

A. Policy

A person is urged not to bring firewood into a DNR property unless at least one of the following applies:

1. The firewood is bundled and contains a Federal compliance stamp issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service (“APHIS”).
2. The firewood is bundled and contains a state compliance stamp issued by the department’s division of entomology to the firewood vendor from whom the wood was purchased.
3. The firewood is transported for sale or distribution in a DNR property by a State-certified concessionaire or by the department and has been inspected and certified by the department’s division of entomology
4. The firewood consists entirely of kiln-dried construction lumber
5. The firewood originated within a county in which the DNR property is located or within 25 miles of the point of entry to the property. A person who brings in firewood under this subsection is urged to burn all firewood at a campsite or another site approved by the department within 72 hours.

B. Implementation

1. Primary responsibility for understanding and complying with this information bulletin lies with visitors to DNR properties.
2. The DNR shall disseminate the information bulletin through media releases, social networking sites, eblasts through the DNR and the State’s central camping reservation system, banners at campgrounds, fliers and postcards at entrances and campground gates, and other available means.
3. Property staff may implement this information bulletin at entrances or campground gates or through campground, security or host staff visits to sites, whichever is most appropriate for the property based on visitation, day use and other factors as appropriate.
4. The DNR shall perform spot checks at gates, in campgrounds, and at any other site within a DNR property as determined appropriate by a property manager or conservation officer. Particularly during the initial implementation of the information bulletin, spot checks should be performed regularly.
5. Options for handling campers who are not in compliance with the policy include:
 - a. Requests that the camper burn all wood at the site within 72 hours and follow the terms of the information bulletin in the future.
 - b. Providing basic information about the policy to the camper.
6. Any wood removed from campsites should be stored in an enclosed container and burned on the property within 72 hours.

